

TOWNSHIP OF TINICUM, DELAWARE COUNTY, PA

ORDINANCE NO. 2019-905

AN ORDINANCE OF THE TOWNSHIP OF TINICUM, DELAWARE COUNTY, PENNSYLVANIA, VACATING AND RESTATING, AMENDING AND/OR SUPPLEMENTING CHAPTER 235 PARKS AND PLAYGROUNDS IN ITS ENTIRETY, ESTABLISHING NEW RULES AND REGULATIONS GOVERNING THE USE AND OPERATION OF PARKS AND PLAYGROUNDS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

AND NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Township of Tinicum, Delaware County, Commonwealth of Pennsylvania, that Chapter 235 of the Code of Ordinances of the Township of Tinicum Chapter 235 Parks and Playgrounds be vacated and amended in its entirety and new rules and regulations governing the use of parks and playgrounds within the Township of Tinicum be stated as follows:

§235-1. Short Title; use of terms.

This chapter shall be known and may be cited as "The Parks and Playgrounds Ordinance." Whenever in this chapter the term "park" or "parks" is used, it shall mean the lands or facilities owned, leased or controlled by the Township of Tinicum including, but not limited to, playgrounds, fitness and hiking trails, children's playgrounds, tot-lots, nature parks, open space areas, marinas, picnic areas, athletic fields, athletic courts and all other recreational facilities and areas.

§235-2. Supervision of parks and playgrounds.

All Township parks shall be operated and maintained under the general supervision of the Tinicum Township Manager acting as the Director of Parks and Recreation in accordance with the policies established by the Board of Commissioners upon recommendation of its Parks and Recreation Board.

§235-3. Duties, supervision and enforcement.

1. The Township Manager shall have immediate charge of all park maintenance, installation, repair and replacement of property and equipment therein, and shall be chargeable with the duty of keeping the parks in a clean and sanitary condition at all times. The Township Manager shall be in charge of those employees designated for maintaining park areas.

2. It shall be the duty of the Township Manager, or his designee, assisted by the Tincum Township Police Department, to supervise and enforce the provisions of this Chapter and all of the rules, regulations and resolutions adopted by the Board of Commissioners upon recommendation of its Parks and Recreation Board.

§235-4. Hours.

Township of Tincum parks shall be open to the public between the hours of sunrise and 9:00 p.m. daily, local time, except the Board of Commissioners or their designee, may establish different times during which particular parks, playgrounds or recreational areas may be kept open for certain events operated or endorsed by the Township.

§235-5. Unlawful conduct.

1. It shall be unlawful for any person, party, entity, firm, group, association, organization, or corporation using Township parks, open space areas, recreational facilities or playground areas to either perform or permit to be performed any of the following acts within such locations:

a. To occupy or be present during any hours during which a Township park, open space area, recreation facility or playground area is not open to the public. Use of lighted athletic fields after 9:30 p.m. shall be permitted upon approval of the Township Manager or his designee.

b. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, restroom, bridge, table, bench, railing, paving or paving material, waterline or other public utility, or parts or appurtenances thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post, or other boundary marker, structure, equipment, facility or Township property or appurtenances whatsoever, designated either as real or personal property.

c. Remove, injure or destroy any tree, flower, shrub, plant or other growing thing, or any rock or other mineral, except for routine maintenance or if approved by the Township.

d. Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any wild bird or animal, except as permitted by the Township.

e. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, splash pool or other body of water in or adjacent to any public park, open space area, recreation facility or playground area; or into any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquor or solid, which may result in the pollution of said waters.

q. Hitting or driving golf balls or playing baseball, tennis, football or any other game or sport at a place not designated for that purpose.

r. Bicycles, skateboards, roller blades, except in specifically designated areas.

s. No washing, cleaning or repairing of motor vehicles.

t. Except for existing on-site lighting – no lights of any type intended to illustrate any area for playing purposes shall be permitted.

§235-6. Animals Permitted.

Animals may be permitted in Township parks, open space areas and recreation facilities, unless otherwise posted. Animals are not permitted within playground areas. It shall be unlawful to permit any animal in those areas where posted. In all other areas, it shall be unlawful to permit any animal to be in any such area unless such an animal is secured on a leash of not more than six (6') feet in length. Owners of leashed or unleashed animals, whether legally or illegally in any park, open space area, recreation facility or playground area, shall be responsible for the immediate removal and disposal of fecal matter deposited by that animal.

§235-7. Peddling and Soliciting.

No person, party, entity, firm, group, association, organization or corporation shall, in a Township park, open space area, recreation facility or playground area:

1. Offer for sale any article, merchandise or thing, nor station or place any stand, cart or vehicle for the transportation, sale or display of any such article, merchandise or thing, except under the authority of the Township Manager upon application and permit as hereinafter provided.

2. Announce, advertise or call the public's attention in any way to any article or service for sale or hire.

3. Post, paste, fasten, paint, write, draw, carve, tack or affix any placard, bill, notice, sign, advertisement or any inscription whatever upon any structure, tree, stone, fence, thing or enclosure within any Township park, open space area, recreation facility or playground area or on any public lands or highways or roads adjacent to any Township park, open space area, recreation facility or playground area, except upon the prior approval of the Township Manager.

§235-8. Airplanes and Helicopters.

Except in emergencies, it is not permitted to land a private or commercial airplane or helicopter on any lands within a Township park, open space area, recreation facility or playground area.

§235-9. Loud Music, Loudspeakers or Amplified Systems.

There shall be no music or broadcasting of any kind over a public speaker or amplified system during the course of any game or event. There shall be no group band or individual music playing before, during or after any game or event without first obtaining a permit as hereinafter provided. None of the above is intended to prohibit the playing of the national anthem at the beginning of each game or event, or a "halftime cheer routine with music" using a music system with reasonable volume.

§235-10. Alcoholic beverages.

It is unlawful for any person to have in his or her possession, custody or control any alcoholic beverage and/or controlled substance of any kind whatsoever within any Township park, open space area, recreation facility or playground area. Possession and consumption of alcoholic beverages shall be by permit only, as hereinafter provided; and subject to the laws and statutes of the Commonwealth of Pennsylvania and regulations set forth by the Pennsylvania Liquor Control Board.

§235-11. Restrooms and Washrooms.

No person shall do anything in or to any restroom or washroom or part thereof, at any public park or playground for which the same was not intended and/or which results in an unsatisfactory condition.

No person over the age of five (5) years shall use the restrooms and washrooms designated for the opposite sex.

§235-12. Fireworks.

No person shall fire, discharge or have in their possession any rocket, firecracker or any other fireworks or any substance of any explosive nature, except as specifically provided for under Chapter 152, Fireworks.

§235-13. Camping.

No person, party, entity, firm, group, association, organization or corporation using Township parks, open space areas, recreational facilities or playground areas shall:

1. Camp, except in such areas as may be provided and designated for such purposes by the Township Board of Commissioners.

2. No such person or group shall camp, except under the authority of the Township Board of Commissioners upon application and permit as hereinafter provided. No camping permit shall be issued to the same person or group for more than fourteen (14) consecutive days. All camping equipment and gear shall be removed from the campsite at the end of this period.

§235-14. Fishing.

Fishing in parks abutting or containing Township waters or waterways shall be permitted only in such areas and at such times as designated by the authority of the Board of Commissioners or their designee. In all cases, the Pennsylvania Fishing Laws shall be applicable to all Township waterways. No person shall fish without being a holder of a current Commonwealth of Pennsylvania Fishing License where required by applicable state laws.

§235-15. Prohibited parking.

No person shall park any motor vehicle in any portion of a Township park, except in areas set aside and marked for parking purposes. No person shall occupy a parked motor vehicle after dark except with the interior lights turned on. There shall be no overnight parking of motor vehicles. It shall be unlawful for any person to drive recklessly in a Township park and no person shall drive in a Township park in excess of five (5) miles per hour. No person shall enter or leave a Township park except by entrances or exits provided for such purposes; and no person shall drive a motor vehicle in a Township park except on a designated road or driveway.

§235-16. Permits for Group Activities.

Permits for use of Township parks for groups of ten (10) persons or more for a particular purpose, such as a picnic, meeting, party, entertainment performance, shall first be required to apply for and obtain a permit from the Township Manager for the specific purpose or event. The applicant for such permits shall provide proof of adequate insurance naming the Township as an additional insured, signed releases, and/or other security as determined by the Township Manager to protect the Township from any liability of any kind and to protect the Township property from damage. The applicant of any permit issued by the Township shall be held responsible for the actions and conduct of all persons using the Township park or other recreational areas under their permit. Charges shall be made for permits as determined by the Fee Schedule determined by the Board of Commissioners from time to time. The Township Manager shall grant permits on a first come, first served basis, if it appears that the applied for purpose or event shall not interfere with the general use of the park, open space area,

recreation facility or playground area by the individual members of the public; and the application meets all of the other applicable conditions. All applications must be in writing and presented to the Township Manager at least ten (10) days before the applicant intends to use the park, open space area, recreation facility or playground area. If Applications are submitted within ten (10) days, permits shall be granted at the discretion of the Township Manager based on availability.

§235-17. Individual Permit Applications.

Permits specified in this Ordinance for activities or use of Township parks by individuals shall be issued by the Township Manager upon application thereof. Charges shall be made for permits as determined by the Fee Schedule determined by the Board of Commissioners from time to time. All applications must be in writing and presented to the Township Manager at least ten (10) days before the applicant intends to use the park, open space area, recreation facility or playground area. If Applications are submitted within ten (10) days, permits shall be granted at the discretion of the Township Manager based on availability.

Any person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person or persons by reason of the negligence or fault of the applicant, his servants, agents or employees.

§235-18. Revocation of Permits.

Any permit issued by the Township may be revoked at any time by the Township Manager, his designee, or an on-duty Tinicum Township Police Officer, for just cause arising from violations of the permit, applicable violations of provisions of this Ordinance, or for the general safety of other park visitors.

§235-19. Violations and Penalties.

1. Any person who shall violate any of the provisions of this Chapter shall be liable, on conviction thereof, to a fine or penalty of not more than Six Hundred (\$600.00) Dollars, plus cost of prosecution, to be collectible before any Magisterial District Justice of the Township, as the like penalties are now by law collectible; and in default of payment of such fine and cost, to imprisonment in the County jail for a period not exceeding thirty (30) days.

2. Police may remove from any Township park, open space area, recreation facility or playground area any person who, upon the complaint of any individual and upon the Police acknowledging probable cause is violating any law, Township Ordinance, regulation or is otherwise disturbing the normal peaceful enjoyment of a Township park or the area surrounding such park, open space area, recreation facility or playground area.

3. Any person, party, entity, firm, group, association, organization, corporation or other entity who has removed, destroyed, damaged, defaced or permitted the removal, destruction, damaging, defacing of any Township park, open space area, recreation facility, playground area or the contents thereof, shall be responsible for the cost of maintenance, repair or replacement of such damaged property in addition to any fine or other penalty provided herein.

§235-20. SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid such unconstitutionality, illegality or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Commissioners that this Ordinance would have been adopted have the unconstitutional, illegal or invalid sentence, clause, section, or part thereof, not been included therein.

§235-21. REPEALER

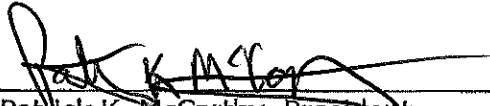
All Ordinances or part of Ordinances which are insistent herewith are hereby repealed and/or replaced.

§235-22. EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

ORDAINED and ENACTED this 17th day of June, 2019, by the Board of Commissioners of the Township of Tincum, Delaware County, Pennsylvania.

Township of Tincum



Patrick K. McCarthy, President
Board of Commissioners

ATTEST:



Elaine M. Brolley, Township Secretary